

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. 2:24-cr-00162-TL

Plaintiff,)

vs.)

KYLE CHRISTOPHER BENTON,)

Defendant.)

**DEFENDANT'S UNOPPOSED MOTION
TO CONTINUE TRIAL DATE AND
PRETRIAL DEADLINES**

**NOTE ON MOTION CALENDAR:
OCTOBER 17, 2024**

COMES NOW the Defendant, KYLE CHRISTOPHER BENTON, by and through his attorneys, Dawn Farina and Casey Arbenz of Puget Law Group, without objection from Assistant U.S. Attorney Brian Wynne, and respectfully moves this court for an order continuing the trial date and corresponding pretrial motions deadlines.

Mr. Benton is charged with one count of Unlawful Possession of a Machinegun in violation of Title 18 U.S.C. Sections 922(o), and one count of Possession of an Unregistered Firearm in violation of Title 26, U.S.C. Sections 5681(d) and 5845(1)(3), and first appeared before a United States Magistrate Judge on September 6, 2024. Trial in this matter is currently scheduled on November 25, 2024.

Undersigned counsel was only recently retained and needs to obtain discovery, and will need sufficient time to adequately review the materials. Undersigned counsel will need

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2:24-CR-00162-TL, PAGE 1**



1 additional time to meet and confer with Mr. Benton to prepare a defense. Undersigned
2 counsel will also need time to engage in discussions and negotiations with counsel for the
3 Government. For these reasons, counsel requests the Court find:

4 (a) taking into account the exercise of due diligence, a failure to grant a
5 continuance would deny counsel the reasonable time necessary for effective preparation due
6 to counsel's need for more time to review the evidence, consider possible defenses, and gather
7 evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

8 (b) a failure to grant a continuance would likely result in a miscarriage of justice, as
9 set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

10 (c) the time requested is a reasonable period of delay as the defendant has requested
11 more time to prepare for trial, to investigate the matter, to gather evidence material to the
12 defense, and to consider possible defenses;

13 (d) the ends of justice will best be served by a continuance, and the ends of justice
14 outweigh the interests of the public and the defendant in any speedier trial, as set forth in 18
15 U.S.C. § 3161(h)(7)(A); and

16 (e) the time between the current and requested trial dates is necessary to provide
17 counsel reasonable time to prepare for trial considering counsel's schedule and all the facts set
18 forth above.

19 Mr. Benton has executed a speedy trial waiver acknowledging that he is waiving
20 speedy trial rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161–
21 3174, and agreeing that the period from the date of the Court's order to the new trial date shall
22 be excludable pursuant to 18 U.S.C. § 3161(h)(7)(A). The waiver will be filed with this
23 motion. Therefore, counsel respectfully requests the continuance of the trial date to a date
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convenient to the court and an extension of the pretrial motions deadline to a date consistent with the new trial date. Counsel respectfully requests the court to not set the trial date for the months of February and April 2025 due to unavailability of Assistant United States Attorney and Defense Counsel. Counsel further asks the Court to exclude the period from the date of the Court's order to the new trial date for purposes of computing the time limitations imposed by the Speedy Trial Act.

For these reasons, the defense requests that the court find that failure to grant the request would deny counsel reasonable time to prepare for trial as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv), that such a denial of a continuance would result in a miscarriage of justice pursuant to 18 U.S.C. § 3161(h)(7)(B)(i), and that the ends of justice will be served by a continuance and outweigh the interests of the public and defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

DATED THIS 17th day of October 2024, in Tacoma, WA.

By: /s/ Dawn Farina
DAWN FARINA, WSBA #18333

/s/Casey Arbenz
CASEY ARBENZ, WSBA #40581

Attorneys for Defendant Kyle Benton
Puget Law Group
938 Broadway
Tacoma, WA 98402
Phone: 253-627-4696
dawn@pugetlawgroup.com
casey@pugetlawgroup.com

I certify that this pleading contains 602 words, in compliance with the Local Criminal Rules.